

Order dated 24.04.2025

Record is fixed for passing order.

Both the contesting sides file their respective hzira.

Ld. Advocate for plaintiff files an extension application of ad interim injunction.

Heard. Considered. The ad interim injunction is extended till next date.

Now the record is taken up for passing order.

In this order two applications dtd. 15th November, 2021 are taken up for disposal. One application pertains to restoration of electric connection in the suit property and other application pertains to restoration of water supply.

By filing the applications dated 15th November, 2021 Ld. Advocate for the plaintiff submits that no electricity has been allotted to him by the the defendant. As per the averment of plaintiff, plaintiff is still in possession of the suit property and was inducted as tenant. By filing this application plaintiff prays for restoration of electric supply in the suit property. By another application dated 15th November, 2021 plaintiff prays for the restoration of the water supply from the defendant.

By filing the written objections for both the application defendant submits that plaintiff and defendant entered into a leave and license agreement for 11 months dtd. 18/08/2020 and after the expiry of term agreement was not renewed. Further, defendant submits that plaintiff are licensee and are not tenant. Further defendant have not given any verbal assurance for changing the nature and character of the suit property. Defendant had asked plaintiff to vacate the suit property after expiry of the license term. Defendant further admits that plaintiffs were given facilities of water and electricity during the term of license and same was withdrawn when plaintiffs became trespasser. By filing this WO defendant prays for dismissal of the application filed by plaintiff u/s 151 of CPC.

Perused the case record.

On perusal it transpires that plaintiff is a tenant with respect to the suit property. The plaintiff was given relief of ad interim injunction wherein defendant was restrained from ousting the plaintiff from the suit property without due process of law and further relief was given whereby defendants were restrained from disturbing peaceful possession of plaintiff. The non access of the electricity is violation of the basic human rights. Eviction by due process of law does not means that trespasser shall be treated with inhumanity and indignity. Therefore the defendant is hereby directed by this Court to restore the electricity in the suit property. Defendant is further directed to obtain a meter in his own name to restore the electricity subject to the monthly payment of bills/cost by the plaintiff.

Moreso, water is the basic need of live and no one should be debarred for it, even the trespasser. Thus, defendant is directed to restore the water connection to the suit property upon payment of reasonable fees required for the supply of water to the suit property.

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Hence, it is

ORDERED

that the applications dated 15.11.2021 as filed by the plaintiff is allowed on contest without any order as to cost.

Defendant is directed to restore the electricity and water connection to the suit property upon payment by the plaintiff of the reasonable bills and expenses incurred for the restoration of the electricity and water supply.

Plaintiff is directed to make payment of any extra charges for the installation and/or revival of the surrendered electric meter positively and for any water supply.

Both the applications as filed by the plaintiff on 15.11.2021 are hereby heard and disposed off.

Fix 25/08/2025 (diary congested) for the hearing of injunction application.

Civil Judge (Jr. Divn)

J.O. CODE : WB 01536